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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA  
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11 STANLEY D. WRIGHT,

12 Petitioner,

13 vs.

14 ANTHONY M. SCILLIA, *et al.*,

15 Respondents.  
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) 2:09-cv-1992-JCM-PAL  
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**ORDER**

17 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C.  
18 § 2254, by a Nevada state prisoner.

19 Petitioner has filed two motions seeking the appointment of counsel. (ECF No. 15 &  
20 ECF No. 19). Petitioner asserts that the issues in this case are complex and that the inmate clerk who  
21 had assisted petitioner is no longer available.

22 There is no constitutional right to appointed counsel for a federal habeas corpus  
23 proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428  
24 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801  
25 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d  
26 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the


1 complexities of the case are such that denial of counsel would amount to a denial of due process, and  
2 where the petitioner is a person of such limited education as to be incapable of fairly presenting his  
3 claims. *See Chaney*, 801 F.2d at 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970).

4 The petition on file in this action is well-written and sufficiently clear in presenting  
5 the issues that petitioner wishes to bring. The issues in this case are not complex. An answer has  
6 been filed in this case, and no further filings are required, other than an optional reply. Petitioner  
7 does not allege that he is incapable of handling the remainder of the case. Counsel is not justified in  
8 this instance.

9 **IT IS THEREFORE ORDERED** that petitioner's motions for the appointment of  
10 counsel (ECF No. 15 & ECF No. 19) are **DENIED**.

11 **IT IS FURTHER ORDERED** that petitioner is granted **thirty (30) days** from the  
12 date of issuance of this order to file a reply, if any, to the answer.

13 DATED this 9th day of February, 2011.

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16 UNITED STATES DISTRICT JUDGE  
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